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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JESSICA PENG,

Plaintiff,

v.

EMILIO T. GONZALEZ, Director,  
 U.S. Citizenship and Immigration Services;  
 and DAVID N. STILL, District Director,  
 San Francisco District Office, U.S. Citizenship  
 and Immigration Services,

Defendants.

No. C 06-7872 JCS

**STIPULATION TO DISMISS; AND  
 [PROPOSED] ORDER**

Plaintiff, by and through her attorney of record, and Defendants, by and through their attorney of record, hereby stipulate, subject to the approval of the Court, to dismissal of the action without prejudice to renewal in light of the fact that Defendants agree, for the purpose of settlement, to reopen and reconsider their May 3, 2007 denial of Plaintiff's Form I-485 application for adjustment of status to that of legal permanent resident. Defendants agree that the May 3, 2007 denial was procedurally improper and have vacated that denial. Defendants further agree to approve the application with an April 20, 2007 approval date and to issue a legal permanent resident card to Plaintiff forthwith. Defendants reserve the right to rescind this benefit in the future, in accordance with proper procedure.

Each of the parties shall bear their own costs and fees.

Date: July 25, 2007

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

/s/  
ILA C. DEISS  
Assistant United States Attorney  
Attorneys for Defendants

Date: July 25, 2007

/s/  
JOHN L. SUN  
DAVID S. SUN  
Attorneys for Plaintiff

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Date: July 27, 2007

JOSE  
United  
ge  
Judge Joseph C. Spero  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA